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OFFICE OF PETITIONS

In re Application of :
Lawrence Tibor Greenstein, et. al. :
Application No. 10/848,988 : ON PETITION
Filed: May 19, 2004 :
Attorney Docket No. LOGRE-26,460 :
:

This is a decision on the petition under 37 CFR 1.137(b), filed July 14, 2006, to revive the above-identified application.

The application became abandoned for failure to reply to the non-final Office action mailed December 9, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office hereby acknowledges receipt of \$1,080 for a five (5) month extension of time filed on July 14, 2006. However, in no event will the statutory period for reply expire later than SIX MONTHS from the mailing date of the non-final action. Petitioner should also note that an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,080 extension of time fee, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account.

The application file is being referred to Technology Center Art Unit 2612, for review of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions